

**JCWSCS 26 JAN 2005**

LAW OFFICES  
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**FACSIMILE TRANSMITTAL**

**Subject:** Petition to Withdraw the Holding of  
Abandonment

**Date:** December 6, 2004

**Appl Serial No.:** 10/644,745

**Submitted by:** G. Hinton

**Confirmation No.:** 6213

**Atty. Docket No:** 07553.0044

**TO**

**Name:** OIPE Customer Service

**FROM**

**Firm:** USPTO

**Name:** David W. Hill

**Fax No.:** (703) 308-7751

**Phone No.:** (571) 203-2735

**Phone No.:** (703) 308-1202

**Approved:**

**# Pages (incl. this):** 12

**Confirmation Copy to Follow: Yes:  No:**

**Message:**

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

PATENT  
Customer No. 22,852  
Attorney Docket No. 07553.0044

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## **PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

UNDER 37 CFR § 1.181(a)

The undersigned received a Notice of Abandonment Under 37 CFR 1.53 (f) or (g) dated October 28, 2004, for the above-identified application. The notice indicates that this application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on November 19, 2003, and further indicates, No reply was received.

On December 15, 2003, Applicant submitted a timely reply to the Notice to File Missing Parts, as evidenced by the attached copy of the Missing Parts reply, together with a copy of the executed declaration, and date-stamped receipt post card.

Upon review of the Response to Notice to File Missing Parts, it was noted that the serial number for the above-identified application in the heading of the transmittal letter was inadvertently transposed as 10/644,754 and should have been 10/644,745. However, as can be seen from the attached, the correct serial number was set forth in the accompanying Notice to File Missing Parts as well as in the body of the Response and in Applicant's return postcard submitted with the Response. The Notice also included the confirmation No. 6213 for this application.

MPEP § 502 states, "...a minor error in the identification of the application can be corrected by the >Office< provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers,... The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. Frequently, there are errors in the application number..."

Furthermore, MPEP § 503 states, "The confirmation number in combination with the application number, is used to verify the accuracy of the application number placed on correspondence filed with the Office to avoid misidentification of an application due to a transposition error in the application number."

In view of the foregoing, it is submitted this case was merely an inadvertant, minor error in the identification of the application and should not have resulted in the abandonment of the application. For the convenience of the Office, also enclosed is a copy of the executed Declaration, submitted with the response to the Notice to File Missing Parts for the above-identified application, as printed from public PAIR for serial number 10/644,754, date-stamped December 15, 2003, by OPIE,

Accordingly, applicant hereby petitions for this application to be withdrawn from abandonment, with no loss of potential patent term adjustment, because the Response to the Notice to File Missing Parts filed December 15, 2003, was timely filed, and because the Office could have determined from the papers filed the correct serial number for the application.

It is believed that no petition fee is necessary. However, if there are any fees due in connection with the filing of this petition, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 6, 2004

By:   
\_\_\_\_\_  
David W. Hill  
Reg. No. 28,220



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/644,745	08/21/2003	Hideki Tanaka	07553.0044

CONFIRMATION NO. 6213

ABANDONMENT/TERMINATION  
LETTER

\*OC000000014232226\*

Date Mailed: 10/28/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/19/2003.

- No reply was received.

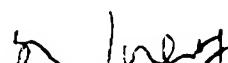
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

*Docket No. COPY*

41

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Hideki TANAKA

Application No.: 10/644,745

Group Art Unit: 2878

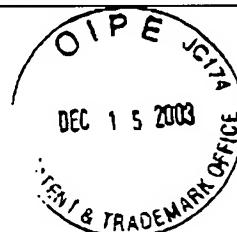
Filed: August 21, 2003

Examiner:

For: PLASMA LEAK MONITORING METHOD, PLASMA PROCESSING APPARATUS  
AND PLASMA PROCESSING METHOD

**MAIL STOP MISSING PART**

1. Check for \$130.00
2. Response To Notice To File Missing Parts
3. Copy of Notice To File Missing Parts
4. Declaration and Power of Attorney



Dated December 15, 2003

Docket No.: 07553.0044

(Due Date: January 19, 2004)

DWH/FPD/gah - Mail Drop 360

*[Handwritten signature]*

**COPY**

Customer No. 22,852  
Attorney Docket No. 07553.0044

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
| Hideki TANAKA )  
| Application No.: 10/644,754 ) Group Art Unit: 2878  
| Filed: August 21, 2003 ) Examiner:  
For: PLASMA LEAK MONITORING )  
| METHOD, PLASMA )  
| PROCESSING APPARATUS AND )  
| PLASMA PROCESSING METHOD )

MAIL STOP MISSING PART

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice To File Missing Parts dated November 19, 2003,  
enclosed is the Declaration and a copy of the Notice To File Missing Parts.

Also enclosed is a check in the amount of \$130.00 to cover the surcharge.  
Authorization is hereby given to charge any additional fees to our deposit  
account no. 06-0916

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.fidnetdc.com](http://www.fidnetdc.com)

# COPY

Customer No. 22,852  
Attorney Docket No. 07553.0044

Please associate this Declaration with the application as filed on August 21, 2003 and assigned serial number 10/644,745.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: David W. Hill  
David W. Hill  
Reg. No. 28,220

Dated: December 15, 2003

Enclosures  
DWH/FPD/gah

FINNEGAN  
HENDERSON  
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UNITED STATES PATENT AND TRADEMARK OFFICE

# COPY

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://uspto.gov)

APPLICATION NUMBER	FILING OR 371 (C) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/644,745	08/21/2003	Hideki Tanaka	07553.0044

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

# RECEIVED

NOV 21 2003

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.

CONFIRMATION NO. 6213  
FORMALITIES LETTER



OC000000011304677

Date Mailed: 11/19/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

11/21/03 REC'D USPTO  
2553.0044  
11/19/03 41 exists  
11/19/03 Recd/Sent  
By [Signature]  
10 pm

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY